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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,694	03/03/2004	Madan Mohan	34874-283	4326
64280 7590 04/03/2007 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C. 9255 TOWNE CENTER DRIVE SUITE 600 SAN DIEGO, CA 92121			EXAMINER VIDWAN, JASJIT S	
			ART UNIT 2182	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/03/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/790,694

Applicant(s)

MOHAN ET AL.

Examiner

Jasjit S. Vidwan

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/16/2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 ~~6~~ rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior art ("Background") [herein after AAPA] and further in view of Manno et al, U.S. Pub No: 2004/0181454 [herein after Manno].

4. As per claims 1, 5, 9, 13, 17 and 21, AAPA teaches a method of performing an availability check [see Paragraph 003 – "Availability of goods, known in the industry as "Available-to-Promise" or ATP or an availability check"] on a mobile device [Paragraph 004, "whereby a sales person performs an online check from her computer or personal digital assistant ("PDA")], comprising:

Mobile device comprising a microprocessor and memory ["PDA" / "Laptop" – it is inherent that both PDA and laptop will have a microprocessor and memory]

Receiving an item number [Paragraph 003, "requested product"] and requested quantity of the item number [paragraph 003, "quantity requested"] on an auxiliary computing platform of the mobile device ["Paragraph 004" – on the laptop or the PDA], the auxiliary

computing platform **[laptop or PDA]** disconnected from a principal computing platform **[see Paragraph 002 and 004 – AAPA teaches a system wherein the salesman using the ‘auxiliary computer platform’ could be in Cairo, Egypt while the central server could be located in Chicago, Illinois];**

Creating an availability query with parameters comprising the item number and the quantity **[see paragraph 005, “...ATP checks are typically performed online from the sales person’s computer to check the availability of product. For example, a sales person may place a laptop computer online at a customer’s site and perform an ATP check by having the laptop query the remotely located back office]**, the availability query seeking the availability of the item number at the requested quantity from data records in a backend database without modifying the data records **[see Paragraph 003, “An availability check is generally an online check to ensure that a company can provide the requested product at the requested time in the quantity requested by the customer.” – the salesman is simply checking whether a particular item is available for sale or not at the requested quantity. Since there is no sale being performed during the availability check, no databases are updated of quantity of sale at anytime]**

Connecting to the principal computing platform **[Paragraph 004 – using PDA to connect to a back office system to determine the availability of goods”]** and sending the availability query to the principle-computing platform **[Paragraph 005, “...having laptop query the remotely located back office system”];**

AAPA teaches the above limitations and though it would be obvious to one of ordinary skill in the art that since a salesman is performing the availability check online via a mobile station such as laptop or PDA, it would obviously receive results back from the “back office system” regarding the availability, the above assumption is not disclosed verbatim by AAPA. However, Manno, in an analogous art, teaches a system wherein a user **(sales person, Manager/Owner)** using a mobile station **[see Manno, Fig. 4, elements 56 and 58]** can query and receive product

availability **[see Paragraph 0019]** from either of plurality of inventory off-site locations **[Fig. 4, elements 12 – also see Col. 51]**.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to combine the teachings of AAPA with that of Manno in order to provide a proper information flow for industries that require constant communication between sales staff, management, installers and customers **[see Manno, paragraphs 0011-0012]**. It is for this reason that one of ordinary skill in the art at the time of Applicant's invention would have been motivated to combine the two teachings in order to take advantage of having proper information flow for industries that require constant communication between sales staff, management, installers and customers **[see Manno, paragraphs 0011-0012]**

5. **As per claims 2, 6, 10, 14, 18 and 22**, AAPA as modified by Manno above teaches method further including displaying the query result to a user **[see Manno, paragraph 0056]**

6. **As per claims 3, 7, 11, 15, 19 and 23**, AAPA as modified by Manno above teaches method wherein the availability query is selected from at least one of a product availability check, a product allocation check, and a forecast check **[see AAPA, paragraph 0004 – the back office system may be warehouse system that maintains an inventory of goods (product availability check) or may be a production planning system that maintains projections of future goods and their allocations (forecast check)]**

7. **As per claims 4, 8, 12, 16, 20 and 24**, AAPA as modified by Manno above teaches a method wherein the query result indicates at least one of a full, partial, or unavailable availability of the requested quantity **[see Manno, paragraph 0056 – "...100 units in stock at the store #103, 2 units at the store #102 and none in stock at the store #77 location."]**.

8. **As per Claims 25, 26, 27, 28, 29 and 30**, AAPA as modified by Manno above teaches a system wherein the displayed result is other than a quantity number **[see Manno, paragraph 0051]**.

9. **As per Claims 31, 32, 33, 34, 35, 36**, AAPA as modified by Manno above teaches a method wherein the mobile device receives the item number and quantity from a user not in the physical

Art Unit: 2182

presence of the item [see AAPA, paragraph 0002, sales person can be in Cairo, Egypt while the central server could be located in Chicago, Illinois].

Response to Arguments

1. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasjit S. Vidwan whose telephone number is (571) 272-7936. The examiner can normally be reached on 8am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM HUYNH can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSV
3/28/2006


KIM HUYNH
SUPERVISORY PATENT EXAMINER

3/30/07